IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 312 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE D.A.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GUJARAT STATE ROAD TRANSPORT CORPN

Versus

SHANTILAL DEVJIBHAI

Appearance:

MR HARDIK RAVAL for the Petitioner

NOTICE SERVED for Respondent No. 1

CORAM : MR.JUSTICE D.A.MEHTA

Date of decision: 22/06/2001

ORAL JUDGEMENT

The petitioner is a statutory Corporation and being aggrieved by the order passed by the Labour Court,

Bhavanagar has approached this Court by way of this Special Civil Application.

2. The respondent was employed by the petitioner as Conductor after being appointed as Badli workman. The petitioner used to give work as and when available according to the rules. It appears that on 7/5/1985 the respondent-workman who was on duty on Morvi-Bhavnagar route was found to have committed misconduct. The Competent Authority, on behalf of the petitioner-Corporation issued a show cause notice to the respondent-workman and without taking into consideration, the request for a personal hearing made by a letter dated 1st June, 1985, his name was removed from the waiting list, maintained by the petitioner-Corporation.

3. The respondent-workman approached the Conciliation Officer and the dispute was referred to Labour Court, Bhavanagar by way of Reference No.LCB.376 of 1987.

4. The Labour Court ordered the petitioner-Corporation to reinstate the respondent-workman without backwages.

5. Mr.Hardik Raval, who appeared on behalf of the petitioner-Corporation frankly stated that the matter is concluded against the petitioner-Corporation by decision of this Court in the case of Gujarat State Road Transport Corporation Vs. Chandulal G. Rasadiya, 1993(2) GLH 204, and accordingly following the ratio of the said decision, this petition requires to be rejected. None has appeared on behalf of the respondent-workman though served.

6. In view of the aforesaid position, it is held that there is no infirmity in the order passed by the Labour Court, Bhavanagar and this petition is accordingly rejected. Interim relief granted vide order dated 17th December, 1990 is confirmed accordingly. Rule discharged with no order as to costs.

(D.A. Mehta, J)
'Bhavesh'